

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

STUART WAYNE TOMPKINS,)	
)	
Plaintiff,)	
)	
v.)	1:11CV224
)	
JOEL HERRON, et al.,)	
)	
Defendant(s).)	

**ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Review of the file in this case shows that *pro se* Plaintiff Stuart Wayne Tompkins has not filed an Amended Complaint as required by the Order of May 20, 2011. Under the terms of that Order, summons cannot issue as to any Defendant until Plaintiff filed an Amended Complaint that states all of his claims against the Defendants in a single document. Rather than file an Amended Complaint, Plaintiff has filed a series of motions that can have no merit in the absence of a formal pleading by Plaintiff - an Amended Complaint. Accordingly, **IT IS ORDERED** that all of these motions are denied. (Docket Nos. 54, 55, 56, 57 and 62.) Further, **IT IS RECOMMENDED** that Plaintiff's motion for a preliminary injunction or temporary restraining order (Docket No. 60) be denied for lack of a showing of good cause.

Plaintiff must file an Amended Complaint by October 21 or this action should be dismissed for lack of prosecution or compliance with orders of the court.

This the 4th day of October, 2011.

/s/ P. Trevor Sharp
United States Magistrate Judge